

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

MIGUEL ANTONIO MONDACA,

Defendant.

Case No. 2:21-CR-0130-TOR

STIPULATED PROTECTIVE  
ORDER REGARDING COMPUTER  
FORENSIC REVIEW PROCEDURES  
FOR CHILD PORNOGRAPHY  
CONTRABAND

BEFORE THE COURT is the parties' Stipulated Motion for Protective Order Regarding Computer Forensic Review Procedures for Child Pornography Contraband. ECF No. 27. The motion was submitted for hearing without oral argument. Having reviewed the record and the files therein, the Court is fully informed.

GOOD CAUSE HAVING BEEN SHOWN, the Court hereby ORDERS that the Stipulation Regarding Computer Forensic Review Procedures For Child Pornography Contraband filed by the parties is GRANTED.

1. IT IS FURTHER ORDERED that 18 U.S.C. § 3509(m) applies to this case, and the Court is required to deny defense requests to copy, photograph, duplicate, or otherwise reproduce material constituting child pornography if the government makes the material reasonably available to Defendant and provides an ample opportunity for the defense to examine it at a government facility. *See* 18 U.S.C. § 3509(m).

2. IT IS FURTHER ORDERED that, in order to comply with 18 U.S.C. § 3509(m), and to allow Defendant the greatest opportunity to prepare an effective

1 defense in preparation for trial in this matter, the government will make a forensic copy  
2 or “image” of devices and media containing alleged child pornography contraband at  
3 issue in the above-referenced case. The government will make any forensic images  
4 reasonably available to Defendant and provide ample opportunity for the defense team to  
5 examine them at a government facility in Spokane, Washington. The parties may  
6 readdress the Court if there is a need for additional or after-hours access during the  
7 course of litigation in the event trial or motion hearings require additional forensic  
8 review.

9 3. IT IS FURTHER ORDERED that the defense forensic examination may be  
10 conducted in an interview room monitored by closed-circuit television (“CC-TV”),  
11 without audio feed. If so, the TV with non-audio feed will ensure the integrity of FBI  
12 space and security of its occupants, and will not be of sufficient detail or at an angle that  
13 would reveal defense strategy. The government and its agents will make no attempt to  
14 record any audio from the workstation and no attempt to observe the defense team’s  
15 work product or computer monitor screen at any time. The defense expert may review  
16 the feed to ensure that defense strategy is not being compromised at any time while  
17 conducting the forensic review.

18 4. IT IS FURTHER ORDERED that the defense team<sup>1</sup> shall not make, nor  
19 permit to be made, any copies of the alleged child pornography contraband pursuant to  
20 this Protective Order and shall not remove any contraband images from the government  
21 facility. The defense expert will be allowed to copy any file that is not contraband and  
22 compile a report (without contraband images/videos) documenting the examination on  
23 removable media at the discretion of the defense expert.

24 5. IT IS FURTHER ORDERED that any defense counsel and/or designated  
25 defense expert will leave at the government facility any equipment, including hard  
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27 <sup>1</sup> For purposes of this Protective Order, the term “defense team” refers solely to  
28 Defendant’s counsel of record (“defense counsel”), Defendant’s designated expert  
 (“defense expert”), and a defense investigator.

1 drives, which contain child pornography contraband that is identified during forensic  
2 evaluation.

3 IT IS SO ORDERED. The Clerk shall enter this Order and furnish copies to  
4 counsel.

5 Dated October 25, 2021.



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A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE  
United States District Judge